

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

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* **DOCKET NO. 2020-5771-ETHICS-B**

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IN THE MATTER OF

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JOSE "LIL JOE" CHAPA

* **AGENCY TRACKING NO. 5120-049**

DECISION AND ORDER

Jose “Lil Joe” Chapa knowingly failed to file a campaign finance disclosure report as required by law. The Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Jose “Lil Joe” Chapa additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(b).

APPEARANCES

A hearing was conducted September 24, 2020, in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).¹ Charles Reeves appeared as counsel on behalf of the Board of Ethics. Although duly noticed, Jose “Lil Joe” Chapa did not appear for the hearing.²

STATEMENT OF THE CASE

The Board of Ethics (BOE) requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(b), Jose “Lil Joe” Chapa (Respondent) was more than eleven days late in filing his 10-G campaign finance disclosure report for the

¹ Panel B of the EAB consists of Presiding Administrative Law Judge William H. Cooper III, Administrative Law Judge Gregory McDonald, and Administrative Law Judge Anthony J. Russo.

² BOE Exhibit 10.

November 16, 2019, general election for Sheriff for the Parish of Beauregard.

At the hearing, BOE offered its exhibits, numbered BOE-1 through BOE-11, that were admitted into evidence. The record was closed and the matter was submitted for decision.

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*

FINDINGS OF FACT

Respondent was an unsuccessful candidate for the office of Sheriff for the Parish of Beauregard, a “district” level office, in the primary election held October 12, 2019.³ Respondent was required to file a campaign finance disclosure report ten days prior to the general election (also known as the 10-G) held November 16, 2019.⁴

The BOE is the Supervisory Committee on Campaign Finance Disclosure under the CFDA.⁵ Election candidates, when qualifying at their respective clerks of court, are provided with BOE’s Schedule of Reporting and Filing Dates for Candidates (Schedule).⁶ The Schedule informed Respondent that the 10-G report was due November 6, 2019.⁷

Respondent did not file the required 10-G report by the due date, November 6, 2019. The BOE issued a Late Fee Assessment Order, signed December 20, 2019, assessing a civil penalty of \$2,000.00 for this violation.⁸ Respondent was notified in the accompanying letter to the Order that he could be subject to an additional civil penalty not to exceed \$10,000.00, pursuant to La. R.S.

³ Respondent was not one of the two candidates receiving the most votes in the October 12, 2019, primary election, and did not qualify for the runoff in the general election of November 16, 2019.

⁴ La. R.S. 18:1495.4(B)(5).

⁵ La. R.S. 18:1483(19).

⁶ BOE-4.

⁷ *Id.*

⁸ BOE-6.

18:1505.4(A)(4). The report had not been filed as of September 22, 2020.⁹

Respondent failed to appear for the hearing or respond to the Late Fee Assessment Order and accompanying letter, despite notice of the hearing and notice of the Late Fee Assessment Order and accompanying letter being sent to his last known address.¹⁰

CONCLUSIONS OF LAW

La. R.S. 18:1505.4(A)(4)(b) provides that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required campaign finance disclosure report, or filed it more than eleven days late, then the BOE, functioning as the Supervisory Committee on Campaign Finance Disclosure, may impose upon the candidate additional civil penalties not to exceed \$10,000.00.

The BOE proved Respondent failed to timely file his 10-G campaign finance disclosure report. Every candidate for “district” level office (or his campaign treasurer) is required to file reports of contributions and expenditures on specific days before and after an election.¹¹ Any candidate for “district” level office, who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$60 per day, not to exceed \$2,000.¹² The BOE assessed the maximum amount of \$2,000.00, as the required report was not filed by day 34 of the report being late.¹³ “Knowingly and willfully,” means conduct which could have been avoided through the exercise of due diligence.¹⁴

By knowingly failing to file the required reports, Respondent violated the CFDA, and may

⁹ BOE-7.

¹⁰ BOE-6 and BOE-10.

¹¹ La. R.S. 18:1495.4.

¹² La. R.S. 18:1505.4(A)(2)(a)(ii).

¹³ \$60.00 multiplied by 34 days equals \$2,040.00, exceeding the statutory maximum in La. R.S. 18:1505.4(A)(2)(a)(ii). This amount and the order of assessment have not been appealed by Respondent under La. R.S. 18:1511.4.1(C)(1) and (2). This amount is therefore final under La. R.S. 18:1511.4.1(C)(1) and not before the EAB for consideration.

¹⁴ La. R.S. 18:1505.5.

be assessed an additional civil penalty up to \$10,000.00 by the BOE for the late report.¹⁵

Respondent failed to file his 10-G campaign finance disclosure report by November 6, 2019. As of September 22, 2020, he had not filed the required report. He is more than eleven days late in filing his 10-G campaign finance disclosure report. The BOE proved Respondent, a candidate for “district” level office, failed to file a 10-G report more than eleven days after the report’s due date. The BOE, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty under authority of La. R.S. 18:1505.4(A)(4)(b), not to exceed ten thousand dollars (\$10,000.00) for the late report.

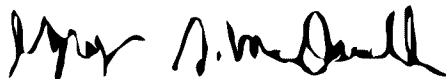
ORDER

IT IS ORDERED that Jose “Lil Joe” Chapa’s 2019 10-G campaign finance disclosure report is more than eleven days late, and the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Jose “Lil Joe” Chapa an additional civil penalty as authorized by La. R.S. 18:1505.4(A)(4)(b).

Rendered and signed on November 5, 2020, in Baton Rouge, Louisiana.



William H. Cooper III
Presiding Administrative Law Judge



Gregory McDonald
Administrative Law Judge



Anthony J. Russo
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, November 05, 2020, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

¹⁵ La. R.S. 18:1505.4(A)(4).

REVIEW RIGHTS

This decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order, subject to the grounds for and time limitations provided in Louisiana Revised Statute 49:959 and Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:

EABprocessing@adminlaw.state.la.us

FAX documents to:

**EAB Section Deputy Clerk
(225) 219-9820**

MAIL documents to:

**DAL – EAB Section
ATTN: EAB Section Deputy Clerk
P. O. Box 44033
Baton Rouge, LA 70804-4033**

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art. 5059. To determine your review rights, you should act promptly and seek legal advice.